

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VERNON WAYNE McNEAL,

Plaintiff,

No. CIV S-05-0441 GEB EFB P

vs.

EVERT, et al.,

Defendants.

ORDER

Plaintiff is a prisoner without counsel seeking relief for alleged civil rights violations. *See* 42 U.S.C. § 1983. On September 24, 2007, defendants requested a modification of the scheduling order *nunc pro tunc*, to and including October 24, 2007, for the purpose of deposing plaintiff. On November 5, 2007, plaintiff filed a request for an extension of time in which to file pretrial motions.

In light of the district judge's September 27, 2007, order granting defendant Rohlfig's motion to dismiss, IT IS HEREBY ORDERED that:

1. Defendants' September 24, 2007, motion to modify the scheduling order is denied as moot;

2. Plaintiff's November 5, 2007, motion to extend the deadline by which to file dispositive motions is denied as moot;

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2 3. The April 10, 2007, schedule is reset as follows:

3 A. The parties may conduct discovery until February 8, 2008. Any motions
4 necessary to compel discovery shall be filed by that date. All requests for discovery pursuant to
5 Fed. R. Civ. P. 31, 33, 34, or 36 shall be served not later than 60 days before that date.

6 B. All pretrial motions, except motions to compel discovery, shall be filed on
7 or before May 8, 2008. Motions shall be briefed in accordance with paragraph 7 of the order
8 filed November 15, 2006.

9 C. The court will schedule pretrial proceedings, if necessary, upon the
10 resolution of any pretrial motions filed. Requests to modify this schedule will be looked upon
11 with disfavor and must be supported by good cause pursuant to Fed. R. Civ. P. 16(b).

12 Dated: November 13, 2007.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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